

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13392, of John T. Fesperman, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the rear yard requirements (Sub-section 3304.1) for a proposed addition to an existing detached dwelling in an R-1-B District at the premises 5404 Carolina Place, N.W., (Square 1443, Lots 34 and 35).

HEARING DATE: December 10, 1980

DECISION DATE: January 7, 1981

FINDINGS OF FACT:

1. The subject site is located on the west side of Carolina Place between Cathedral Avenue and Galena Place and is known as premises 5404 Carolina Place, N.W. It is in an R-1-B District.

2. The subject site is rectangular in shape and has an area of 5,000 square feet. The site is improved with a one-story detached dwelling. The lot conforms to all the requirements of the Zoning Regulations.

3. The applicant proposes to construct a one story rear addition to be used as a den. The addition will extend 11.75 feet into the rear yard leaving a rear yard of 13.25 feet. The Zoning Regulations for a rear yard in an R-1-B District require a depth of twenty-five feet. The applicant seeks a variance of 11.75 feet or forty-seven percent. The dwelling as presently constituted conforms to all the requirements of the Zoning Regulations.

4. The applicant testified that the subject dwelling contains two-bedrooms. The dwelling is centrally heated. The applicant proposes that the addition will be independent of the central heating and take advantage of a passive solar system. A wall with a large amount of glass would be constructed, allowing sunlight to enter, which would be absorbed by a concrete floor. The heat would be radiated from the concrete floor to the den. The proposal would only be a supplement to other kinds of heating.

5. The main floor of the dwelling is three feet above ground. The addition would be on the ground itself. The applicant testified that it could not be seen from across the street and would thus be less an intrusion into the rear yard. The applicant further testified that the side yards of ten feet would not provide enough space for the proposed addition.

6. The applicant presented no testimony or evidence that the property was affected by any extraordinary or exceptional condition or situation that would warrant granting a variance.

7. The applicant presented no testimony or evidence that the strict application of the Zoning Regulations would cause him any practical difficulty.

8. There were letters submitted to the record in favor of the application from the adjoining property owners and owners of property to the rear of the subject site.

9. Advisory Neighborhood Commission - 3D made no recommendation on the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking an area variance, the granting of which requires evidence of a practical difficulty upon the owner of the property that is inherent in the land itself. The Board notes that the property is rectangular in shape. The site and dwelling at present conform to all of the zoning requirements as to lot area, lot width, lot occupancy, rear yard and side yards. The requested relief would create a building which does not conform to the regulations. The Board concludes that there is no practical difficulty inherent in the land. The variance of forty-seven percent is substantial. What the applicant seeks is personal to him. It is an amenity. This is no grounds on which to grant an area variance. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 3-2 (John G. Parsons, Douglas J. Patton and Connie Fortune to DENY; William F. McIntosh and Charles R. Norris OPPOSED).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 30 APR 1981.

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



August 3, 1982

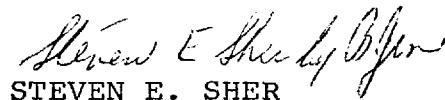
J. Kirkwood White, Esq.
Linowes and Blocher
1025 Conn. Ave., N.W., Suite 500
Washington, D. C. 20036

Re: BZA Application No. 13393
Republic of Korea Chancery

Dear Mr. White:

Your letter of July 6, 1982 in which you request that the above numbered application be dismissed without prejudice is acknowledged. You are advised that application No. 13393 is hereby DISMISSED WITHOUT PREJUDICE. No further action will be taken on this application.

Very truly yours,


STEVEN E. SHER
Executive Director